

# COMMITTEE ON K-12 EDUCATION

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\* Strike-everything Amendment  
[E] Emergency Clause  
[P 108] Proposition 108 Clause

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**HB 2050 – Chapter 147 – family literacy programs; requirements**

Transfers the Family Literacy Program (Program) from the Arizona Department of Education, Division of Adult Education to the Division of Early Childhood Education Programs, allows for composition changes to project teams and makes changes to the grant application requirements.

- Removes the mandate for grant applications to include a food service plan for Program participants.
- Requires grant applications to include assessment practices that promote academic and literacy skills and a plan to determine the on-going eligibility of parents with children in the Program, or to document efforts to continually recruit eligible families not meeting the participation threshold.
- Allows grant applications to include publicly funded preschool providers and adult education programs funded by outside funding sources within organizational partnerships.

**HB 2051 – Chapter 8 – high school equivalency diplomas; fees**

Allows the State Board of Education (SBE) to establish and collect fees for the issuance and reissuance of general equivalency diplomas and general equivalency transcripts. The SBE must develop rules for fee waivers for general equivalency diploma and general equivalency transcripts.

**HB 2111 – Chapter 67 – \*physical education implementation task force**

Establishes the 15-member Mandatory Physical Education Task Force (Task Force) charged with developing an implementation plan along with a draft proposal for legislation that will result in a uniform physical education program in grades K-8. The Task Force will be staffed by the Arizona Department of Education, Department of Health Services and appropriate legislative staff, and the Task Force must submit a final report including the implementation plan and the draft proposal for legislation to the Legislature, Governor and the State Board of Education by December 15, 2005. Finally, the Task Force is repealed on January 1, 2006.

**HB 2229 – Chapter 41 – school pupils; breathing; medication**

Allows for the possession and self-administration of prescription medication for breathing disorders by a pupil who has been prescribed the medication by a licensed physician or licensed health care professional if the pupil's name is on the handheld inhaler device or medical container. Parents must annually provide written documentation authorizing the pupil to possess and self-administer a handheld inhaler. School districts and employees are exempt from civil liability for all decisions made and actions taken in good faith to implement these provisions.

**HB 2267 – Chapter 134 – \*school teachers; immunity**

Exempts a full-time certificated teacher from personal civil liability for all acts done and actions taken in good faith in evaluating or grading a student.

**HB 2287 – Chapter 16 – schools; building renewal; comprehensive plan**

Reduces the length of the comprehensive plan for the proposed use of Building Renewal Fund monies from five to three years.

**HB 2349 – Chapter 272 – education omnibus**

An education omnibus bill that makes changes to the statutory authority of the State Board of Education (SBE) to adopt rules for procurement limits, makes changes to the formal rule-making process, makes changes to the reporting requirements for schools to the Arizona Department of Revenue and allows a school district that had contracted with a private utility company for hot and chilled water with an annual contract value of \$800,000 to \$805,000 and classified this payment as a utility expenditure in FYs 2001-02 through 2004-05 to repay 20 percent of those monies over a three year period beginning in FY 2005-06.

- Replaces the statutory limits for procurement of construction, construction services, materials or services that the SBE must adopt within rules. The SBE must adopt rules, and the Auditor General must review the rules, specifying the total cost of a procurement subject to invitations for bids, requests for proposals and requests for clarifications that does not exceed current statutory limits under procurement. The limits for job-order-contracting are replaced.
- Allows the SBE to adopt any rules and policies it deems necessary to exercise general supervision over and regulate the conduct of the public school system.
- Exempts the SBE from the formal rule-making process unless otherwise required by law. The SBE must adopt rules or policies for the SBE and the institutions within its jurisdiction that provide for at least two public readings of the proposed rule or rule change.
- Allows school districts the option to post their proposed budget or summary of proposed budget on a website maintained by the Arizona Department of Education
- Makes changes to the reporting requirements for programs or activities funded with monies received from fees and contributions that are eligible for a tax credit.
- Allows a school district that had contracted with a private utility company for hot and chilled water with an annual contract value of \$800,000 to \$805,000 and classified this payment as a utility expenditure in FYs 2001-02 through 2004-05 to repay 20 percent of those monies over a three year period beginning in FY 2005-06.
  - Prohibits the SBE from reducing the school district's state equalization assistance for the overexpenditure in FYs 2001-02 through 2004-05 due to the reclassification of the payments as repair and maintenance costs and capital expenses.
  - Exempts the school district from reducing the general budget limit or the unrestricted capital budget limit due to the overexpenditure in FYs 2001-02 through 2004-05 due to the reclassification of the payments as repair and maintenance costs and capital expenses.
  - Exempts the district from revising the annual financial report for FY 2001-02 through FY 2004-05 due to reclassification of payments as repair/maintenance costs/capital expenses.

#### **HB 2368 – Chapter 155 – school policies; pupils; bullying**

Requires school district governing boards to adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils on school grounds, school property, school buses, school bus stops and at school sponsored events and activities. The procedures must contain specified processes. Additionally, school district and school district employees are included in those groups that are immune from civil liability for the consequences of adoption and implementation of policies and procedures regarding school district governing board requirements under Section 15-341, subsection A and the discretionary powers of school district governing boards under Section 15-342, unless guilty of gross negligence or intentional misconduct.

#### **HB 2382 – Chapter 293 – \*construction projects; school facilities**

Allows school districts to expend new school construction monies for project management and preconstruction services from monies allotted by the School Facilities Board (SFB). Additionally, the SFB is allowed to reduce the cost of project management and preconstruction services from the per square foot for new school construction if the SFB modifies the cost per square foot per statutory authority. Finally, the SFB is required to annually report to the Legislature and the Governor on the projects completed by project management and preconstruction services as compared to projects completed under other authorities. The report must address cost, schedule and other measurable components of a construction project. School districts, construction manager-at-risk firms and project management firms that participate in a SFB-funded project must provide information to the SFB to complete the report.

### **HB 2417 – Chapter 274 – schools; intervention; financial mismanagement**

Establishes rules and regulations allowing the State Board of Education (SBE) to declare a receivership and to appoint a receiver to take control of a school district that is insolvent or has grossly mismanaged its finances.

- Requires SBE to review allegations of a school district being insolvent or grossly mismanaging its finances and allows for a district to respond to the allegations at a public hearing.
- Establishes the criteria to determine if a school district is insolvent.
- Allows the SBE to place a school district under receivership and appoint a receiver to take control of a school district if it has been demonstrated by a preponderance of evidence that the school district is insolvent or has grossly mismanaged its finances.
- Requires the SBE to adopt rules establishing a list of qualified receivers.
- Establishes the authorities, duties and powers of an appointed receiver, to be effective on the date of appointment by the SBE.
- Requires the receiver, on appointment, to begin a full review and investigation of the school district's financial affairs and submit to the SBE a detailed report listing the findings of the investigation. The report must include a financial improvement plan and budget that details how the school district will eliminate any continued gross financial mismanagement and achieve financial solvency, including a proposed timeline for achieving financial solvency. The report must be submitted within 120 days after the receiver's appointment.
- Allows the SBE to remove a school district from receivership and dismiss a receiver and any employees or officers the receiver may have appointed 30 days after the Auditor General declares the school district is financially solvent, the Auditor General certifies the school district's records are in compliance with generally accepted accounting principles, the receiver certifies that the school district is no longer engaged in gross mismanagement and the SBE has determined that the school district is able to pay its debts as they become due.
- Requires an appointed receiver to submit a quarterly progress report to the SBE and requires the SBE to review the progress of a receivership every six months. If, based on the quarterly progress reports, the SBE determines a receiver is not making sufficient progress they may remove the current receiver and appoint a new receiver.
- Establishes the duty of the school district to indemnify a receiver and any employee or officer appointed by the receiver if they acted in good faith and reasonably believed they were acting within the best interest of the school district and they had no reasonable cause to believe their conduct was unlawful.
- Requires the receiver to promptly report to the SBE any violations of law, including a violation of the uniform system of financial records.
- Requires the SBE to monitor and give technical assistance to a school district for two years after a receivership has ended.
- Defines the terms *delinquent debt*, *gross mismanagement*, *notice*, *receiver*, *receivership* and *superintendent*.
- Contains a delayed repeal of December 31, 2007, a saving clause and a severability clause.

**HB 2418 – Chapter 294 – \*joint technological education districts**

Makes changes to the statutes relating to joint technological education districts (JTEDs) and establishes the Task Force on Joint Technological Education Districts to review funding and operational issues of JTEDs and school districts.

- Includes a facility owned or operated by a school district, including satellite course, for career and technical education and vocational education courses or programs in the cap on daily attendance for funding purposes.
- Exempts students in K-8 enrolled in a course offered by a JTED from inclusion in a JTED's average daily attendance (ADA) or average daily membership (ADM) calculations.
- Prohibits students in K-6 who are enrolled in a vocational education course from being funded with JTED monies.
- Allows for monies received by a school district from a JTED to be used for directly related equipment and facilities.
- Requires participating school districts to use any monies received as part of a JTED to supplement and not supplant base year career and technical education and vocational education courses.
- Phases in the requirement for school districts that are part of a JTED and that have supplanted career and technical education and vocational education monies to use those monies for those purposes. The three year phase-in begins in FY 2005-06. The phase-in requirement is based on the base year, which is the complete school year in which voters elected to join the JTED.
- Requires a JTED to use any monies to enhance career and technical education and vocational education courses.
- Requires JTEDs to only include pupils in grades 9-12 in the ADM or ADA calculations if the pupils are enrolled in approved courses. Courses that are not part of an approved program for career and technical education shall not be counted for funding purposes.
- Defines the term *base year*.
- Continues the cap on the formation or growth of a JTED with exceptions.
- Establishes the Task Force on Joint Technological Education Districts (Task Force) consisting of members appointed by the President and the Speaker, and requires the Task Force to:
  - Evaluate and make specific recommendations concerning JTEDs as follows: state and local funding; governance issues between school districts and JTEDs for vocational education courses; those that provide courses primarily at facilities located at centralized campuses owned and operated by the JTED and concerning JTEDs that primarily provide satellite courses at facilities owned or operated by school districts.
  - Evaluate and make recommendations concerning which vocational education courses should be approved by the Career and Technical Education Division of the Arizona Department of Education (ADE).
  - Determine the appropriate funding level and funding mechanisms for students who are enrolled in high school courses that involve instructors, services and facilities furnished by a combination of a JTED, a community college district and a school district.
  - Submit a report of its findings, recommendations and proposed legislation to the Legislature and the Governor by December 1, 2005.

- Prohibits the ADE from reducing the amount of state aid to two JTEDs for FY 2005-06 for all or any portion of previously miscalculated ADM based on findings and conclusions reached by the Office of the Auditor General.
- Establishes a maximum funding formula for FY 2005-06 that a JTED and community college district may receive based on certain conditions.
- Declares that for FY 2005-06, a JTED shall only include pupils in grades 9-12 in the ADA or ADM calculations for pupils enrolled in vocational education courses that are approved by the Career and Technical Education Division of the ADE.
- Requires the Auditor General to prescribe the procedures for compliance with the financial provisions of this act.

**HB 2426 – Chapter 275 – constitutional commemoration committee; continuation**

Retroactively continues the 12-member Constitutional Commemoration Committee (Committee) until July 1, 2015. The Committee is required to collaborate and cooperate with public, private and nonprofit entities to promote public understanding of the Constitution, Bill of Rights and additional amendments, including those that made advancements in civil rights and other personal liberties. The operational support of the Committee is transferred from Legislative Council to legislative staff.

**HB 2432 – Chapter 18 – extended school year; criteria**

Changes the criteria for determining the need and eligibility of a pupil with disabilities for extended school year services.

- Requires a school district to provide a pupil with disabilities extended school year services if the benefits the pupil gained during the regular school year would be significantly jeopardized or the pupil would experience significant regression that would seriously impede the pupil's progress towards educational goals.
- Changes the criteria for determining the eligibility of a pupil for extended school year services to consist of least restrictive environment considerations and retrospective and predictive data, by an expert and empirical data is not available.
- Requires the State Board of Education to adopt rules to carry out these provisions.

**HB 2435 – Chapter 77 – \*kindergarten instruction; academic standards**

Requires school districts that establish a kindergarten program to offer a half-day kindergarten program that provides instruction aligned with the academic standards adopted by the State Board of Education. Additionally, a school district that establishes a full-day kindergarten program must allow each parent to choose either half-day or full-day kindergarten instruction.

**HB 2438 – Chapter 156 – charter school sponsors; fees**

Prohibits the sponsor of a charter school from charging fees to a charter school unless the sponsor has provided services to the charter school and the fees represent the full value of the services provided. The sponsor of the charter school must demonstrate the value of the services provided on request.

**HB 2534 – Chapter 277 – special education; dispute resolution**

Requires the State Board of Education (SBE) to adopt specific rules for due process hearings for special education disputes. Additionally, amends the definition of *parent* and defines *due process hearing*, *impartial administrative law judge*, *public education agency* and *state educational agency*.

- Amends the definition of *parent* and defines *due process hearing*, *impartial administrative law judge*, *public education agency* and *state educational agency*. Removes the definition of *exceptional child*.
- Removes the requirement for the SBE to adopt rules in regards to a due process hearing officer.
- Requires the SBE to adopt rules for due process hearings which comply with the following:
  - The parent, adult student or public educational agency may initiate a due process hearing by submitting a written request to the state educational agency or the public educational agency if there is a proposal or refusal to initiate or change the identification, assessment, placement or the provision of a free appropriate public education of a pupil with a disability. The public education agency must forward all requests to the state education agency; the state educational agency must forward any requests to the Office of Administrative Hearings. Requests made by the state educational agency must also be immediately transmitted to the public educational agency.
  - A decision made in a hearing conducted will be considered final, except that any party involved in a hearing may bring a civil action in any court of competent jurisdiction without regard to the amount in controversy.
- Requires state educational agencies to provide a model form that any party may use in requesting a due process hearing and requires the public education agency to pay for the costs of the written verbatim record.
- Requires the public education agency to pay all costs associated with any hearing conducted under these provisions. Additionally, the public education agency or a public agency pool must contract with the Office of Administrative Hearings for the purpose of due process hearings.
- Requires the article on Uniform Administrative Appeals Procedures to be applied to all hearings, to an extent which is not inconsistent with the stated requirements and federal and state law regarding the education of students with disabilities.

#### **HB 2544 – Chapter 238 – schools; nutrition standards**

Requires the Arizona Department of Education (ADE) to develop minimum nutrition standards that meet at least the federal guidelines for food and beverages sold on the school grounds of elementary, middle and junior high schools during the school day.

- Requires the ADE by July 1, 2006, to develop minimum nutrition standards that meet at least the federal guidelines for food and beverages sold on the school grounds of elementary, middle and junior high schools during the school day. The ADE may develop minimum nutrition standards that are more stringent than the federal guidelines and regulations.
- Requires all elementary, middle and junior high schools participate in the National School Lunch Program, unless a school district with fewer than 100 students and not currently participating in the Program chooses to not participate at a public meeting.
- Requires food and beverages sold or served on the school grounds of elementary, middle and junior high schools or at elementary, middle or junior high school sponsored events held during the normal school day to meet nutrition standards developed by the ADE, including a la carte items and food and beverages sold in vending machines, snack bars, kiosks and school stores.
- Prohibits elementary, middle and junior high schools from serving or selling any foods which are considered of minimal nutritional value, as defined by federal regulations, during the normal school day on campus.



- Requires new and renewal contracts for food and beverages, after July 15, 2006, to prohibit the sale of sugared, carbonated beverages and all other foods of minimal nutritional value.
- Allows parents, pupils and community members to review food and beverage contracts to ensure that food and beverages sold on elementary, middle and junior high school campuses provide nutritious sustenance to pupils, promote good health, help students learn, provide energy and model fit living for life.
- Allows a school district to develop nutrition standards which are more stringent than those developed by the ADE.
- Permits districts offering grades 9-12 instruction to adopt nutrition standards for high schools.
- Clarifies that nothing in the provisions shall be construed to:
  - Prohibit or limit the sale or distribution of any food or beverage items to teachers, administrators or other adults in a faculty lounge or under other circumstances where the sale or distribution is limited to teachers, administrators or other adults.
  - Prohibit or limit the sale or distribution of any food or beverage item through fundraising activities when the items are intended for sale off the school grounds.

#### **HB 2596 – Chapter 21 – charter schools; pending fingerprint checks**

Allows charter schools to hire personnel that have not yet received a fingerprint clearance card if proof is provided of the submission of a pertinent application to the Department of Public Safety (DPS) and if the charter school seeking to hire the applicant does all of the following:

Documents in the applicant's file the necessity for hiring and placement of the applicant before receiving a fingerprint clearance card.

- Ensures that the DPS completes a statewide criminal history information check on the applicant and additional criminal history information checks must be completed by the DPS every 120 days until the date the fingerprint check is completed.
- Obtains references from the applicant's current employer and the two most recent previous employers except for applicants who have been employed for at least five years by the applicant's most recent employer.
- Provides general supervision of the applicant until the date that the fingerprint card is obtained.
- Requires a charter school to complete a criminal records search in all jurisdictions outside of the state of Arizona in which the applicant has lived in the previous five years.
- Requires that the charter school verify the fingerprint status of the applicant with the DPS.

#### **HB 2697 – Chapter 250 – \*school districts; overrides; retroactive applicability**

Retroactive to July 1, 2004, eliminates the two-year phase-down period for a Revenue Control Limit budget override for a unified school district in the final year of a budget override in FY 2004-05 under the following conditions:

- The original override was for the maximum statutory amount and was approved by the voters by a margin of 75% or more.
- The school district failed to request, and the voters did not approve a request, to renew the budget override.

- The school district holds an election by the end of FY 2004-05 to renew the budget override for FY 2005-06.

**SB 1009 – Chapter 182 – school buildings; air quality**

Provides requirements for maintaining indoor air quality in schools. Additionally, the School Facilities Board (SFB) is responsible for conducting an environmental site assessment when approving the construction of a school building and is authorized to deny school building projects if certain conditions exist.

- Defines the terms *HVAC system*, *school activity hours* and *Standard 62*.
- Requires the SFB to biennially provide school districts with information on improving and maintaining the indoor environmental quality in school buildings.
- Requires the SFB, when approving the construction of a school building, to conduct an environmental site assessment.
- Requires the SFB to consider:
  - Site assessment standards in accordance with the ASTM e1527, Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process.
  - Indoor air quality guidelines in accordance with the sheet metal and air conditioning contractors national association's publication entitled "Indoor Air Quality Guidelines For Occupied Buildings Under Construction."
  - Ventilation standards in accordance with Standard 62.
- Prohibits the SFB from approving a school building project if any of the following exists:
  - The environmental site assessment indicates that the site cannot meet the same criteria established for residential properties within reasonable expenditures.
  - The plans incorporate flat roof construction that does not have adequate pitch towards the drainage of water.
  - The plans do not incorporate indoor air quality guidelines that are acceptable to the board.
- Requires each school district governing board that has installed or renovated its HVAC system on or after the effective date of this act to ensure that it is maintained and operated in accordance consistent with ventilation standards acceptable to the board and operated continuously during school hours, except as provided.
- Requires each school district governing board that installed or renovated its HVAC system before the effective date of this act to ensure that the system is maintained and operated in accordance with the previous maintenance and standards at the time of the installation or renovation.

**SB 1011 – Chapter 42 – membership; school councils; district employees**

Allows parents or guardians employed by a school district to serve as members of the school council where their child is enrolled provided the parents or guardians are not employed by the same school where their child is enrolled.

**SB 1038 – Chapter 304 – \*AIMS test; graduation; exceptions**

Exempts pupils from the requirement to achieve a passing score on the Arizona Instrument to Measure Standards (AIMS) test in order to graduate from high school if the pupil meets certain requirements. Additionally, pupils may be eligible for additional credit to be applied to the pupil's AIMS test score in order to graduate from high school.

- Exempts pupils from the requirement to achieve a passing score on the AIMS test in order to graduate from high school if the pupil meets the alternative graduation requirements.
- Allows a pupil to graduate from high school if the pupil has transferred into the school district from out of state and has successfully passed a statewide assessment test on state adopted standards that are substantially equivalent to the Arizona Academic Standards.
- Establishes alternative high school graduation requirements for school years 2006 and 2007 for pupils who fail to achieve a passing score on the AIMS test.
- Establishes eligibility criteria for alternative graduation requirements as follows:
  - The pupil has taken the AIMS test each time the test was offered.
  - The pupil completed with a passing grade all coursework and credits necessary to graduate from high school.
  - The pupil participated in any academic remediation programs available in the pupil's school in the subject areas where the pupil failed to achieve a passing score on the AIMS test.
- Allows the score for a pupil who fails the AIMS test to be augmented with additional credit not to exceed one quarter of the pupil's achieved score in each area.
- Requires the SBE to provide for the augmenting of AIMS test scores by rule by establishing the manner that additional credit may be used to augment the score. If the augmented score exceeds the passing score of the AIMS test, the pupil must be considered to have passed the AIMS test for that subject area.
- States that the additional credits must be based only on the performance of the pupil in those courses that meet the requirements for graduation established by the SBE.
- Requires the SBE to provide varying amounts of additional credit for each performance level achieved in the course based on grades.
- Defines the term *competency test*.
- Repeals the authority to provide additional credit January 1, 2008.
- Exempts the SBE from the formal rule-making process to implement these provisions. The SBE must adopt these rules no later than September 1, 2005.
- Requires the SBE to undertake a review of the academic competency standards and performance measurements mechanisms used in at least 10 other states identified as having the most effective K-12 educational systems. The SBE must review the passing score established for the math portion of the AIMS test with the passing scores established for similar tests in states with academic standards that are similar to Arizona's among the states reviewed. The SBE must submit a report of its findings and recommendations to the Legislature by January 31, 2006. Additionally, by January 31, 2006, the SBE must confirm or modify the passing score established for the math portion of the AIMS test for school year 2006 and thereafter so that the score is statistically comparable to the passing score for similar tests in states with academic standards that are similar to Arizona's.

**SB 1044 – Chapter 167 – schools; crime reports; pupil interviews**

Allows school district governing boards to adopt guidelines for the standardization of school report cards for schools within the district and to adopt policies that require parental notification when a law enforcement officer interviews a pupil on school grounds. The policy may provide reasonable

exceptions to the parental notification requirement and must set forth guidelines as to the circumstances under which a parent may be notified and present for a student interview by law enforcement. Additionally, the bill clarifies the type of incidents that must be incorporated into the school report card.

- Prohibits policies that require parental notification from impeding a peace officer from the performance of duties when a law enforcement officer interviews a pupil on school grounds.
- Requires the total number of incidents that occurred on school grounds, at school bus stops, on school buses and at school sponsored events and that required the contact of local, county, tribal, state or federal law enforcement to be included in a school's annual report card.
- Specifies the types of incidents that must be included on the school report card.

**SB 1059 – Chapter 47 – charter schools; fingerprinting; supervision**

Allows a volunteer or guest speaker without a valid fingerprint card to work directly with students at a charter school if they are accompanied by a person with a valid fingerprint card.

**SB 1068 – Chapter 191 – school district redistricting; commission; approval**

Establishes the 13-member School District Redistricting Commission (Commission) to design a proposal to unify school districts in Arizona based on certain criteria.

- Amends the unification assistance and consolidation assistance statutes. Beginning January 1, 2007, the district may increase the RCL and DSL by the amount of any transition costs that are directly associated with routine formalities that are necessary as a result of consolidation or unification such as changing of signs, letterhead, stationary and similar issues.
- Charges the Commission with designing a school district unification plan to be submitted to the Governor by December 31, 2007, including the following components:
  - Basing the unification plan on relevant academic and scientific research regarding school and district size, fiscal implications and legal issues.
  - Considering geographic boundaries and pupil travel times.
  - Reviewing unorganized territories and developing a plan for their inclusion within school district boundaries if the unorganized territories have at least one percent of the population attending a unified school district.
  - Providing regional or statewide services for administration, instructional and noninstructional support services for rural or isolated schools and school districts and any other school districts that wish to participate.
  - Ensuring that the plan provides for a smooth transition into the proposed number of school districts in regards to governing board size and terms.
  - Developing a statewide uniform school district naming system.
  - Reviewing existing statewide or regional educational service agencies and establishing new agencies to provide for the noninstructional support of school districts.
  - Restructuring the school districts to ensure all districts are unified, classifying rural districts as those with less than 500 pupils, classifying independent districts as those with more than 6,000 pupils and considering the elimination of statutory budget exemptions for school districts with less than 125 pupils.
  - Ensuring the preservation of local control while maximizing efficient and cost-effective delivery of education services.
  - Providing a plan for the assumption and acquisition of legal liabilities, contractual obligations, capital debt and overrides of previous districts.
  - Identifying costs of the plan subject to approval by the Joint Legislative Budget Committee.

- Requires the Commission submit a preliminary report on the proposed school district unification plan to the governing boards of the affected school districts by April 30, 2007. The school district governing boards of the affected school districts must review the preliminary report and comments may be submitted to the Commission by July 30, 2007. The Commission must consider the recommendations of the governing boards of the affected school districts.
- Requires the Arizona Department of Education to staff the Commission, and allows the Commission to additionally utilize the staff support, assistance and resources of the Governor's Office of Strategic Planning and Budgeting, county school superintendents, the Joint Legislative Budget Committee, the School Facilities Board and any county assessor.
- Requires the Commission to hold public hearings statewide and hear testimony on each affected school district. Public notice must be provided at least three weeks in advance in the school district offices and local newspapers.
- Requires the Commission to include an estimate of the impact of the plan on the state General Fund if the proposed recommendations are approved by the voters, as well as the estimated cost of the elections for reimbursement to the school districts.
- Requires county school superintendents of affected school districts to call an election within the boundaries of the proposed unified school districts and delineates the ballot language to be included in the election.
- Declares that if the unification plan is approved by the voters, the unified district becomes operational at the beginning of the next fiscal year. If the unification plan fails to be approved by the voters, the plan is void. The Commission may revise and resubmit the plan to the qualified electors. If a majority of the qualified electors in any one of the affected school districts fails to approve the unification plan, the school district shall not become part of a unified school district.
- Contains a delayed repeal date of January 1, 2009.

**SB 1072 – Chapter 48 – special education; scope; gifted pupils**

Transfers gifted pupils and school district governing board powers for gifted pupils from the article on Special Education for Exceptional Children to a newly created article on Special Education for Gifted Children. Additionally, defines the terms *specialty designed instruction* and *gifted education* and amends the definitions of the terms *child with a disability* and *special education*.

**SB 1074 – Chapter 305 – \*school districts; performance based compensation**

Establishes the 12-member Arizona Performance Based Pay Task Force (Task Force) to conduct evaluations of school districts' performance based compensation systems.

- Requires the Superintendent of Public Instruction (Superintendent), by February 2006, and each year thereafter, to submit the data provided by school districts in regards to the school district's performance based compensation systems to the Task Force.
- Requires the Task Force to conduct annual evaluations of one quarter of the school districts' performance based compensation systems, and lists the evaluation components. The Task Force must provide a report to the school districts evaluated each year assessing the effectiveness of each school district's performance based compensation system, including recommendations for improvement.

- Requires the Task Force to annually submit a summary of findings and conclusions to the Legislature.
- Requires the Task Force, by June 30, 2010, to provide written recommendations to the SBE, the Governor and the Legislature on the implementation, operation and monitoring of performance based compensation systems and Career Ladder Programs in Arizona school districts.
- Requires a school district governing board to adopt a performance based compensation system at a public hearing to allocate monies from the Fund.
- Requires a school district governing board to vote on a performance based compensation system that includes stated criteria.
- Requires performance based compensation systems to include teacher professional development programs that are aligned with the elements of the performance based compensation system.
- Allows a school district governing board to modify the criteria and consider additional elements when adopting a performance based compensation system. A school district governing board must adopt any modifications of additional elements and specify the criteria used at a public meeting.
- Requires each school district to submit an assessment plan for its performance based compensation system to ADE by December 31 of each year, until December 31, 2009. A copy of the performance based compensation system and assessment plan adopted by the school district governing board must be included in the report submitted to the ADE.

#### **SB 1075 – Chapter 168 – ASDB; board of directors; membership**

Adds a member from the Commission for the Deaf and the Hard of Hearing and a member from the Governor's Council on Blindness and Visual Impairment to the Board of Directors for the Arizona School for the Deaf and the Blind (ASDB). Each member appointed serves a three year term. Additionally, the number of members necessary to constitute a quorum for the ASDB Board of Directors is increased from four to five.

#### **SB 1122 – Chapter 192 – schools; medications; civil immunity**

Grants school districts, charter schools and their employees from civil liability for the consequences of the good faith adoption and implementation of policies and procedures in regards to the administration of prescription medication or patent or proprietary medication. Charter school governing boards must adopt policies and procedures for the administration of prescription medication or patent or proprietary medication to students by employees. Requires the written request or authorization of a parent or legal guardian of a minor student before the administration of a prescription medication or a patent or proprietary medication to a student by an employee.

#### **SB 1199 – Chapter 310 – schools; residents of unorganized territory.**

Requires the residents of an unorganized territory to vote to create or join a school district if the unorganized territory has an annual number of certificates of educational convenience (CEC) or students attending an adjacent existing school district through open enrollment that exceeds 150.

- Requires the Superintendent of Public Instruction to notify the county school superintendent and the county school superintendent must notify the residents of a single unorganized territory that the residents' children are no longer eligible to receive additional CECs if that unorganized territory has an annual number of CECs or students attending an adjacent existing school district through open enrollment that exceeds 150, and these residents must organize into their own school district or an adjoining school district.

- States that students attending an adjacent existing school district through open enrollment or CECs which were approved before notification by the Superintendent of Public Instruction must remain in effect until the unorganized territory becomes or joins a school district.
- Requires the Superintendent of Public Instruction to notify the county school superintendent to prepare a ballot question to be voted on by the residents of the unorganized territory that is no longer able to receive additional CECs at the next general election to determine whether to form a new unified school district or to join an adjacent existing school district.
- Requires the county school superintendent to carry out the following activities before calling an election:
  - Establish the boundaries of the proposed school district, taking into consideration communities of interest and excluding Indian reservations and other federal lands where reasonable.
  - Identify adjacent school districts accepting at least 25 percent of the CEC students from the unorganized territory that are willing to accept the unorganized territory into the existing school district.
  - Prepare a ballot question that includes: a list of the financial impact for a homeowner based on the property taxes on a \$100,000 home for each of the options; the proposed boundaries; and identifies existing adjacent school districts that are willing to accept the unorganized territory into the existing school district.
- Requires the voters within the boundaries proposed by the county school superintendent, at the next available general election date allowed by law, to either establish a new unified school district within the proposed boundaries or join an existing adjacent school district.
- Requires the county school superintendent, if the majority of voters approve the establishment of a new unified school district, to notify the State Board of Education that a new unified school district is established and will become operational at the beginning of the next school year. The county school superintendent must appoint the initial school district governing board.
- Requires the county school superintendent, if the majority of voters approve to join an existing school district, to notify the existing school district of the following:
  - The boundaries of the school district must be revised to include the property identified in the boundaries established by the county school superintendent.
  - The school district must provide the same educational services provided to students who reside in current district boundaries to all students within the revised boundaries at the beginning of the next school year.
- Allows the newly established unified school district to transport students to an adjacent school district if it is unable to provide a complete academic program to the students within the school district.
- Prohibits a school district that is formed pursuant to these provisions from being eligible for the small school adjustment, the small school district weight or the small isolated school district weight.
- Exempts a newly formed unified school district from receiving monies from the School Facilities Board for capital purposes until the school district's student count:
  - Exceeds 599 for K-8 pupils for elementary facilities.
  - Exceeds 599 for 9-12 pupils for high school facilities.

- Declares that until the newly formed school district reaches at least 600 pupils in K-8 or in 9-12, the pupils must be enrolled in a school district in that pupil's grade and that has sufficient capacity to enroll nonresident pupils, and the newly formed unified school district must be responsible for the transportation costs incurred.

**SB 1223 – Chapter 55 – charter schools; used equipment**

Allows a school district to sell used equipment to a charter school before the school district attempts to sell or dispose of the equipment by other means.

**SB 1271 – Chapter 58 – schools; Arizona gun safety program**

Allows school districts and charter schools to offer the Arizona Gun Safety Program (Program) as an elective, one-semester course where a pupil that has demonstrated the ability to safely discharge a firearm is deemed to have satisfactorily completed the course and will receive a certificate of accomplishment. Instructors must be certified by the AGFD. Participating school districts and charter schools must arrange for adequate use of shooting range time for pupils. Establishes minimum Program requirements.

- Requires the course to be jointly developed by the Arizona Game and Fish Commission, the Department of Public Safety and private firearms organizations. At a minimum, the course must include:
  - Instruction on the rules of: gun safety; basic operations of firearms; history of firearms and marksmanship; role of firearms in preserving peace and freedom; the constitutional right to keep and bear arms; and the use of clay targets.
  - Practice time at a shooting range.
  - Demonstration of competence with a firearm.
- States that nothing in this section shall be construed to limit or expand the liability of any person under other provisions of law.

**SB 1289 – Chapter 265 – stranger danger; K-8 curriculum**

Allows school district and charter schools to develop and incorporate instruction into the existing curricula in the common school grades on the dangers of unsupervised interaction with strangers.

**SB 1297 - Chapter 202 – schools; skin cancer prevention**

Requires all public schools to incorporate instruction on skin cancer prevention into the existing curricula of common school grades if the United States Environmental Protection Agency furnishes a comprehensive program on the prevention of skin cancer free of charge to schools. The instruction provided must be age appropriate and must include the basic facts about skin cancer, including the negative impact of human exposure to ultraviolet radiation obtained through sunburns and tanning, and a comprehensive set of strategies and behaviors to reduce the risk of contracting skin cancer.

**SB 1309 – Chapter 279 – school pupils; asthma; self-medication**

Requires school districts to adopt policies and procedures to allow pupils who have been diagnosed with anaphylaxis, by a specified licensed health care provider, to carry and self-administer emergency medications, including auto-injectable epinephrine, while at school and school sponsored activities. The policies adopted must require a pupil who uses auto-injectable epinephrine while at school and at school sponsored activities to notify the nurse or the designated school staff person of the use of the medication as soon as practicable. Additionally, school districts and employees are immune from civil liability for all decisions made and actions taken in good faith to implement these provisions, except in cases of wanton or willful neglect.



**SB 1352 – Chapter 205 – AIMS; special education; exceptions**

Exempts a child with a disability, a child who receives special education services and has an individualized education program (IEP) and a child with a Section 504 plan from achieving a passing score on any competency test adopted by the State Board of Education (SBE) that is required in order to graduate from high school, if certain conditions are met.

- Prohibits a child with a disability or a child who receives special education services and has an IEP from achieving a passing score on any SBE-adopted competency test in order to graduate from high school unless the pupil is either:
  - Learning at a level appropriate for the pupil's grade level in a specific academic area and the passing scores on the competency test is required in a specific academic area by the pupil's IEP as mutually agreed upon by the parents and the IEP team, or;
  - 18 years or older.
- Prohibits pupils with a Section 504 plan from achieving a passing score on any SBE-adopted competency test in order to graduate from high school unless the pupil is learning at a level appropriate for the pupil's grade level in a specific academic area and unless passing scores on the competency test is required in a specific academic area by the Section 504 plan developed in consultation with the pupil's parents.
- Requires the competency tests to be administered in a manner prescribed by the pupil's IEP or Section 504 plan, and school districts and charter schools must make specific and appropriate accommodations for these pupils.
- Declares that any pupil with an IEP or Section 504 plan who is not required to achieve a passing score on a competency test in order to graduate from high school must be provided the standard diploma issued by the school district or charter school.
- Requires the IEP to provide requirements for high school graduation, including provisions for testing and testing accommodations.
- Prohibits a pupil who receives special education services from achieving a passing score on the AIMS test in order to graduate from high school unless the pupil is learning at a level appropriate for the pupil's grade level in a specific academic area and the passing scores on the AIMS test is required in a specific academic area by the pupil's IEP as mutually agreed upon by the parents and the IEP team or the pupil, if the pupil is at least 18 years old.
- Requires the SBE to adopt guidelines to define a parent's or guardian's role or the pupil's role, if the pupil is at least 18 years of age in the development of a pupil's Section 504 plan, including testing and testing accommodations.

**SB 1422 – Chapter 323 – TAPBI program; school**

Changes the eligibility requirements for participation in the Technology Assisted Project-Based Instruction Program (TAPBI Program), removes the reporting requirement that reflects a measurement of academic achievement of pupils in each TAPBI Program and adds a performance audit to be completed by the Auditor General by November 1, 2007. TAPBI Program changes:

- Requires school districts and charter schools selected to participate in the TAPBI Program to reapply every five years.
- Requires the SBE and the SBCS to review the effectiveness of each participating school and other information that is contained in the annual report to determine whether to renew a school's participation in the TAPBI Program.

- Requires the SBE and the SBCS to collaborate to develop a uniform reporting format to be used by all schools participating in the Program.
- Includes a reporting requirement on data identified by the SBE or the SBCS that compares the academic performance of pupils who participate in the TAPBI Program with other pupils in Arizona who do not participate in the TAPBI Program.
- Allows the Superintendent of Public Instruction to recommend to the SBE to replace a school district participating in the TAPBI Program if the Superintendent determines that the school district is not meeting the criteria for participation. The SBE must consider and take action on the Superintendent's recommendation.
- Caps enrollment growth of pupils that participate in the TAPBI Program to no more than 100 percent in any fiscal year.
- Requires the parents, teachers and principal or head teacher of a school to confer to evaluate continued participation in the TAPBI Program by a pupil if the academic achievement of the pupil declines while participating in the Program.
- Replaces the current pupil and TAPBI Program previous public school enrollment eligibility requirements with a requirement that a minimum of 80 percent of the students accepted at each participating school for each academic school year in each TAPBI Program were previously enrolled in and attended a public school in the previous school year.